ORDINANCE NO. 95- 46

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED, AMENDING THE TEXT OF THE INTRODUCTION/ADMINISTRATION, AND TRAFFIC CIRCULATION ELEMENTS OF THE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES OF PALM BEACH COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on March 24 and March 31, 1995, to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on May 16 and May 24,1995, to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on August 30, 1995, the Department of Community Affairs "Objections, Recommendations, and Comments Report" dated August 25, 1995, which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, on September 22, 1995, the Palm Beach County Local Planning Agency held a public meeting to review the written comments submitted by the Department of Community Affairs, the Planning Division's response to the written comments, and to make recommendations regarding adoption of the Comprehensive Plan amendments; and

WHEREAS, on November 7, 1995, the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments as modified satisfy the concerns addressed in the Department of Community Affairs' "Objections, Recommendations and Comments Report" and comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Text of the 1989 Comprehensive Plan

Amendments to the text of the Introduction/Administration and Traffic Circulation elements of the Palm Beach County 1989 Comprehensive Plan are hereby adopted and are attached to this Ordinance in Exhibit 1.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the Code of Laws and Ordinances

The provision of this Ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolutions shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2740 Centerview Drive, Tallahassee, Florida 32399-2100.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 7th day of November, 1995.

ATTEST:
DOROTHY H. WILKEN, Clerk

By: _____
Deputy Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By _____
Chair

BOARD OF COUNTY COMMISSIONERS ★ CLERK ★ PALM BEACH COUNTY, FLORIDA

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

_____
COUNTY ATTORNEY

Filed with the Department of State on the 15th day of November, 1995.

I:\common\planning\current\amend\round951\ordinance\non_orc.ord

EXHIBIT 1

INTRODUCTION/ADMINISTRATION AND TRAFFIC CIRCULATION ELEMENTS
TRANSPORTATION CONCURRENCY EXCEPTION AREA

LOCATION: Pages 17-18 IA, Introduction/Administration Element

CHANGE: IAE Part IV., Definitions, is amended to add the following new terms, with the additions shown in an underline format:

DOWNTOWN REVITALIZATION - Means the physical and economic renewal of a central business district of a community as designated by the local government in its Comprehensive Plan, and includes both downtown development and redevelopment.

TRANSPORTATION CONCURRENCY EXCEPTION AREA - Means a specific geographic area or areas delineated in a comprehensive plan for urban infill development, urban redevelopment, or downtown revitalization within a central business district designated in a comprehensive plan.

URBAN INFILL - Means the development of vacant parcels in otherwise built-up areas where public facilities such as sewer systems, roads, schools, and recreation areas are already in place and the average residential density is at least five dwelling units per acre, the average nonresidential intensity is at least a floor area ratio of 1.0 and vacant, developable land does not constitute more than 10 percent of the area.

URBAN REDEVELOPMENT - Means demolition and reconstruction or substantial renovation of existing buildings or infrastructure within urban infill areas or existing urban services areas.

NOTE: THE FOLLOWING TERMS ARE ALREADY DEFINED IN THE IAE:

INFILL DEVELOPMENT - Development which occurs in vacant areas within the urban service area.

REDEVELOPMENT - Activities or projects in an area to eliminate and prevent the spread of slums and blight; to provide affordable housing whether for rent or sale to low and moderate income households; or to generate renewed economic activity and development.

URBAN SERVICE AREA - That area delineated on the Land Use Plan Map which receives services at minimum levels of service pursuant to Objective 1 of the Capital Improvement Element.

LOCATION: Page 50-IA, Introduction/Administration Element

CHANGE: IAE Part V., Acronyms and Abbreviations, is amended to add the following provisions, with the additions shown in an underline format:

TCEA(s)	Transportation Concurrency Exception Area(s)

LOCATION: Page 23-TC, Traffic Circulation Element

CHANGE: TCE Part II., Goals, Objectives & Policies Section, is amended to add the following provisions, with the additions shown in an underline format:

OBJECTIVE 13 TRANSPORTATION CONCURRENCY EXCEPTION AREAS

Prior to July 1996, the Palm Beach County Board of County Commissioners shall amend the Unified Land Development Code (ULDC) to allow an exception from the concurrency requirements for transportation facilities if the proposed development is consistent with the adopted local government comprehensive plan and is located within an area designated in a comprehensive plan for urban infill development, urban redevelopment, or downtown revitalization.

Policy 13-a: The ULDC shall be amended to provide that within areas designated as a Transportation Concurrency Management Area (TCEA) in an adopted local government Comprehensive Plan, all land uses, developments, and types of facilities shall be excepted from the transportation concurrency requirement, i.e., the Traffic Performance Standards.

Policy 13-b: The ULDC shall be amended to provide a procedure for the designation of TCEAs. The procedure, at a minimum, shall provide that:

1. At least 30 days prior to transmittal of a local government Comprehensive Plan amendment designating a TCEA, the local government initiating the amendment shall schedule and hold a pre-application conference to address:

   a. Whether the area proposed as a TCEA is located within an area for urban infill development, urban redevelopment or downtown revitalization;

b. The data and analysis to support the size and boundaries of each TCEA;

c. The inclusion of the short and lang range impacts of the TCEA designation on County roads and roads on the Florida Intrastate Highway System;

d. Guidelines and programs or both which address the specific transportation needs of the TCEA~~.~~; and

e. The coordination of the local government's plan amendment and a corresponding amendment to the County Comprehensive Plan. It is the intent that the County amendment will rely upon the data and analysis provided by the local government.

The Pre-Application Conference procedures shall provide for representatives from the local government initiating the Comprehensive Plan amendment, the County Traffic Division and Planning Division, the Metropolitan Planning Organization, the Florida Department of Transportation, District IV, and the Treasure Coast Regional Planning Council.

The pre-application process and review may be simultaneous with the IPARC process provided that there has been previous consultation between the local government and the County Planning Division.

2. Another conference shall be held with the representatives identified above with 30 days of receipt by the initiating local government of the state planning agency's Objections, Recommendations and Comments Report. The purpose of this conference will be to address outstanding objections and comments.

Policy 13-c: A TCEA shall not become effective until:

1. The Board of County Commissioners finds the designation of the TCEA is consistent with the County's Comprehensive Plan and the County adopts a Comprehensive Plan amendment establishing the TCEA. It is the intent that the County Plan

amendment be consistent with the local government's plan amendment, provided that the County did not object either through the IPARC or Chapter 163 process. And that, if there is an IPARC mediation, the County Comprehensive Plan amendment shall give strong consideration to that action.

2. A final order is issued by the Department of Community Affairs or Administration Commission finding the amendment establishing the TCEA in compliance in accordance with Section 163.3184, Florida Statutes.

LOCATION: Page 58-TC, Traffic Circulation Element

CHANGE: TCE Part III., Existing Conditions, is amended to add the following new provisions, with the additions shown in an underline format:

K. TRANSPORTATION CONCURRENCY EXCEPTION AREAS

Transportation Concurrency Exception Areas provide a flexible transportation concurrency option approach to reduce the adverse impact transportation concurrency may have on urban infill development and redevelopment, and the achievement of other goals, such as promoting public transportation. Under limited circumstances, it allows exceptions to the transportation concurrency requirement in specifically defined urban areas of a jurisdiction. The exceptions provide flexibility for concurrency management in order to encourage the application of a wide range of planning strategies that correspond with local circumstances of a specific geographic area. The exception applies to all land uses and developments and types of facilities within expressly excepted areas

In order to exercise the option of establishing a Transportation Concurrency Exception Area (TCEA), a local government must designate in its comprehensive plan a specific geographic area or areas where the exception is intended to apply. The types of areas which may qualify as a TCEA include areas designated for urban infill development, urban redevelopment, and downtown revitalization.

To implement the transportation concurrency exceptions, certain requirements must be met. First, the TCEA must be compatible with and further the various portions and

elements of this comprehensive plan. Second, the size and boundaries of each TCEA must be supported by data and analysis which demonstrate consistency with state requirements. Third, the comprehensive plan must contain guidelines or policies which specify programs to address the transportation needs of such areas. These guidelines may incorporate a wide range of strategies including timing and staging plans, parking control and pricing policies, transportation demand management programs, transportation system management programs, availability of public transportation, and utilization of creative financing tools for the provision of transportation services and facilities. Fourth, the guidelines, policies, and programs must demonstrate with data and analysis that consideration has been given to the short and long range impacts of proposed development within the TCEA on the Florida Intrastate Highway System (i.e., Intrastate 95, Florida Turnpike, Beeline Highway, and Southern Boulevard).

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the Board of County Commissioners certify this to be a true and correct copy of the original filed in my office on 11/7/95
DATED at West Palm Beach, FL on 11/30/95.
DOROTHY H. WILKEN, Clerk
By: Phyllis A. Howe D.C.